

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

WRIT PETITION NO.340 OF 2006

Nandkumar Digambar Jamodekar.	...Petitioner.
Vs.	
Subhash Ramling Kore.	...Respondent
....	
Mr. S. S. Hardikar for the Petitioner.	
.....	

CORAM : DR. D.Y. CHANDRACHUD, J.

April 12, 2006.

P.C.:

A perusal of the finding contained in paragraph 9 of the impugned judgment and order of the Additional District Judge, Baramati, would show that the property in question belongs to the Shrikrishna Mandir Trust which was registered in 1955 under the Bombay Public Trusts Act, 1950. A scheme was framed by the Charity Commissioner and five trustees were appointed in 1985. The property vests in the Trust. The original Plaintiff filed a suit (316 of 1988) against the Charity Commissioner and the trustees for a declaration that the property is his private property and for an injunction. The suit came to be dismissed on 20th March 1989. The Plaintiff does not have any interest in the property. The Additional District Judge was, therefore justified in holding that the

suit at the behest of the Plaintiff is not maintainable. The petition shall accordingly stand dismissed.

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